

Message Text

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ACTION ORM-02

INFO OCT-01 ARA-06 EUR-12 EA-07 NEA-10 IO-13 ISO-00 DHA-02

CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05

PA-01 PRS-01 SP-02 SS-15 AF-08 AID-05 SCA-01 HEW-04

SY-05 VO-03 INSE-00 NSCE-00 SSO-00 USIE-00 INRE-00

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FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 2665

INFO AMEMBASSY ANKARA

AMEMBASSY ATHENS

AMEMBASSY BANGKOK IMMEDIATE

AMEMBASSY BERN

AMEMBASSY BOGOTA

AMEMBASSY BONN

AMEMBASSY BRASILIA

AMEMBASSY BRUSSELS

AMEMBASSY CANBERRA PRIORITY

AMEMBASSY CARACAS

AMEMBASSY COPENHAGEN

AMEMBASSY JAKARTA PRIORITY

AMEMBASSY KUALA LUMPUR PRIORITY

AMEMBASSY LONDON

AMEMBASSY MANILA PRIORITY

AMEMBASSY OSLO

AMEMBASSY OTTAWA

AMEMBASSY PARIS

AMEMBASSY ROME

AMEMBASSY SINGAPORE PRIORITY

AMEMBASSY TAIPEI PRIORITY

AMEMBASSY TEHRAN

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AMEMBASSY WELLINGTON

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AMCONSUL HONG KONG PRIORITY

AMCONSUL NAHA
AMCONSUL RIO DE JANEIRO
USMISSION USUN NEW YORK PRIORITY

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E.O. 11652: N/A
TAGS: SREF UNHCR
SUBJECT: BOAT CASES AT UNHCR EXECUTIVE COMMITTEE

REF: (A) GENEVA 7555; (B) GENEVA 7539 (NOTAL); (C) STATE 240076

1. IN SEPT 29 MEETING REPORTED PARA 2, REF A, UNHCR SADRUDDIN AGA KHAN TOLD DCM AND HA COUNSELOR THAT AS RESULT OF RECENT BANGKOK MEETING OF REGIONAL REPS, UNHCR STRENGTHENING PRESENCE IN SOUTHEAST ASIA SPECIFICALLY TO HANDLE BOAT CASES. HE REFERRED TO TWO NEW POSITIONS AT KUALA LUMPUR OFFICE AND ONE AT SONGKHLA. HE EXPRESSED DEEP CONCERN OVER INCREASING POSSIBILITY THAT SHIPS' MASTERS AND OWNERS WOULD PASS BY REFUGEES IN PERIL ON HIGH SEAS DUE TO REFUSAL OF AUTHORITIES AT FIRST PORTS OF CALL TO LAND REFUGEES. THERE WERE INDICATIONS, HE SAID, THAT SOME REFUGEES HAD ALREADY PERISHED BECAUSE OF THIS SITUATION, AND PRODUCED UPI BULLETIN DATLINED BANGKOK YESTERDAY WHICH REPORTED ONE RECENT CASE OF REFUGEE VESSEL WHICH, ITSELF OVERCROWDED, LEFT IN OPEN SEA TWENTY-PLUS OCCUPANTS OF ACCOMPANYING BOAT THAT HAD SUNK IN STORM. SADRUDDIN FELT THAT SITUATION COULD BE AMELIORATED ONLY IF TRADITIONAL AND OTHER COUNTRIES OF RESETTLEMENT WOULD PROVIDE ASSURANCES THAT THEY WOULD ACCEPT SUBSTANTIAL NUMBERS OF THESE REFUGEES.

2. SADRUDDIN REPEATED THAT THE RESPONSE TO HIS JULY 28 INTERNATIONAL APPEAL FOR BOAT CASES HAD NOT BEEN ENCOURAGING, WITH ONLY BELGIUM AND THE NETHERLANDS OFFERING TO ACCEPT SPECIFIC NUMBERS. WHILE HE NOTED ENCOURAGING U.S. RESPONSE, AND FACT THAT U.S. HAS ACTUALLY ACCEPTED LARGE NUMBERS, HE URGED THAT IN LIMITED OFFICIAL USE

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RESPONSE TO HIS FORTHCOMING INTERVENTION AT THE EXECUTIVE COMMITTEE SESSION (OCTOBER 4), U.S. TAKE LEAD BY ANNOUNCING SPECIFIC QUOTA OF CASES IT WOULD ACCEPT. THIS WOULD ENCOURAGE OTHER COUNTRIES AT THE MEETING TO COME FORWARD THEN OR SUBSEQUENTLY WITH OFFERS OF RESETTLEMENT, THE HIGH COMMISSIONER BELIEVED. IN ADDITION, HE AGAIN URGED THAT THE U.S. MAKE A STRONG INTERVENTION FOLLOWING UPON HIS

APPEAL WHICH WOULD SERVE TO IMPRESS UPON EXCOM MEMBERSHIP THE NEED FOR URGENT ACTION AND INTERNATIONAL PARTICIPATION. HE AGAIN EXPRESSED HOPE THAT THERE WOULD BE BROAD, ANIMATED AND MEANINGFUL DISCUSSION OF THIS TOPIC AT EXCOM.

3. SADRUDDIN TOLD U.S. REPS THAT HE HAD SEIZED UPON PRESENCE OF THAI FOREIGN MINISTER IN GENEVA RECENTLY TO ENLIST HIS ASSISTANCE IN INTERVENING WITH ASEAN COUNTRIES, URGING THEM TO ADOPT OPEN-HANDED AND HOSPITABLE POLICIES WITH RESPECT TO BOAT CASES. ACCORDING TO SADRUDDIN, THAI FOREIGN MINISTER AGREED TO DO SO.

4. SADRUDDIN THEN TURNED OVER A "NOTE ON PERSONS

LEAVING THE INDOCHINESE PENINSULA IN SMALL BOATS" WHICH HE SAID CONTAINED BURDEN OF THOUGHTS HE WOULD EXPOUND AT EXCOM, AND WHICH RESPONDED TO U.S. INTERVENTION WITH HIM REPORTED GENEVA 6892. "NOTE" BRIEFLY REVIEWS UNHCR'S INTERNATIONAL APPEALS AND EFFORTS WITH RESPECT TO SMALL BOAT CASES AND CURRENT SITUATION WHICH AS OF SEPTEMBER 25 INVOLVED 2,986 REFUGEES OF WHOM ONLY 1,128 HAD BEEN ACCEPTED FOR PERMANENT RESETTLEMENT, WITH 260 AWAITING TEMPORARY ASYLUM OR SAILING FOR UNKNOWN DESTINATIONS. ACCOMPANYING STATISTICAL TABLE GIVES BREAK-OUT OF THESE FIGURES BY COUNTRY. PROBLEM IS SEEN IN THREE DIFFERENT ASPECTS OF ASSISTANCE AND RESCUE AT SEA, GRANTING OF TEMPORARY ASYLUM, AND PERMANENT RESETTLEMENT.

5. LIST IS GIVEN OF FLAGS OF SHIPS WHICH HAVE LIMITED OFFICIAL USE

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RESCUED INDOCHINESE REFUGEES DURING 1976, AS FOLLOWS:

AUSTRALIA, GREAT BRITAIN, BURMA, DENMARK, HOLLAND, IRAN, JAPAN, LIBERIA, NORWAY, PANAMA, SAUDI ARABIA, THAILAND AND U.S. IT CONTINUES TO EXPRESS CONCERN, HOWEVER, OVER REPORTS THAT SOME VESSELS HAVE FAILED TO RENDER ASSISTANCE TO REFUGEE BOATS IN DISTRESS. "NOTE" REVIEWS APPLICABLE CONVENTIONS CONCERNING ASSISTANCE AND SALVAGE AT SEA (BRUSSELS, 1910, AND GENEVA, 1958), CITING THEIR SHORTCOMINGS IN PRESENT CONTEXT AND OBLIGATIONS, AND LISTING ACCESSIONS OF ABOVE COUNTRIES TO THESE CONVENTIONS (U.S. IS PARTY TO BOTH). IT IS NOTED THAT UNHCR HAS ENDEAVORED TO EASE PROBLEM OF RESCUE BY PASSING VESSELS BY AGREEING TO COVER COST OF MAINTENANCE

OF DISPLACED PERSONS ON BOARD AND APPEALING TO
COUNTRIES OF AREA TO GRANT AT LEAST TEMPORARY ASYLUM

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ACTION ORM-02

INFO OCT-01 ARA-06 EUR-12 EA-07 NEA-10 IO-13 ISO-00 DHA-02

CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05

PA-01 PRS-01 SP-02 SS-15 AF-08 AID-05 SCA-01 HEW-04

SY-05 VO-03 INSE-00 NSCE-00 SSO-00 USIE-00 INRE-00

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FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 2666

INFO AMEMBASSY ANKARA

AMEMBASSY ATHENS

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47*,0 /AMEMBASSY PARIS 9217

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6. "NOTE" REVIEWS UNHCR ACTIVITIES ON BEHALF OF THESE REFUGEES AND PROBLEMS CONFRONTED IN THEIR LANDING, NOTABLY THAT NONE OF THE LITTORAL COUNTRIES IS PARTY TO EITHER THE 1951 CONVENTION OR THE 1967 PROTOCOL RELATING TO STATUS OF REFUGEES. THUS COMPLIANCE WITH UNHCR DEMARCHES FOR AT LEAST TEMPORARY ASYLUM HAVE BEEN BASED WHOLLY ON HUMANITARIAN GROUNDS AND NOT ON ANY BINDING CONTRACTUAL OBLIGATION. UNHCR NOTES THAT WHILE RESPONSES HAVE BEEN FAVORABLE IN MOST CASES, THERE WERE SOME INSTANCES WHEN PERMISSION TO LAND WAS NOT GRANTED IN ABSENCE OF WRITTEN GUARANTEES FROM FOREIGN MISSIONS THAT REFUGEES WOULD BE ACCEPTED IN THEIR RESPECTIVE COUNTRIES. UNHCR ALSO NOTES DIS-APPOINTING RESPONSE TO INTERNATIONAL APPEAL, INCLUDING FOUR NEGATIVE REPLIES.

7. FINAL PORTION OF "NOTE", DIRECTED ONLY TO UMS., EXPRSES REGRET THAT OUR RESPONSE CONTAINED NO STIPULATION OF A SPECIFIC QUOTA FOR THESE REFUGEES, AND WHILE WE INDICATE THAT SPECIAL PRIORITY ATTENTION WILL BE GIVEN TO THEM, THEIR APPLICATIONS ARE NONE-THELESS "SUBJECTED TO STANDARD CRITERIA USED FOR ALL RESETTLEMENT CANDIDATES." THIS HAS CAUSED DELAYS IN SELECTIONS AND DECISIONS FOR ACCEPTANCE, SUCH AS IN THAILAND WHERE TO THE BEST OF UNHCR KNOWLEDGE ONLY 12 CASES (SIC) HAVE BEEN PRO-CESED SINCE JUNE 30, 1976. (COMMENT: WOULD APPRECIATE LATEST INFORMATION FROM EMBASSY BANGKOK TO REFUTE THIS STATEMENT, IF INCORRECT.) UNHCR URGES THAT U.S. SET "OUTSTANDING EXAMPLE" TO OTHER POSSIBLE HOST COUNTRIES AND THAT, FOR HIS PART, HE WOULD "ACTIVELY PROMOTE SOLUTION TO PROBLEM" BY FURTHER STRENGTHENING UNHCR PRESENCE IN AREA AND BY

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DRAWING ATTENTION OF GOVERNMENTS ONCE AGAIN TO
ISSUE AT FORTHCOMING EXCOM SESSION.

8. MISOFFS TOOK OPPORTUNITY TO RAISE WITH SADRUDDIN
POINTS PRESENTED IN REF C, NOTABLY PROPOSAL THAT UNHCR
ESTABLISH REGIONAL CENTER FOR PROCESSING REFUGEES
IN SEA (PARA 12). AFTER SOME DISCUSSION BY
PARTICIPANTS, ALSO INCLUDING DEPUTY UNHCR MACE, SADRUDDIN
STATED THAT HE HAS SOME INITIAL RESERVATIONS AS TO
PROPOSAL, BUT WOULD LIKE TO GIVE IT FURTHER
THOUGHT. ATTENTION FOCUSED ON OKINAWA, AND SADRUDDIN
WONDERED ALOUD AS TO FACILITIES THAT MIGHT BE
AVAILABLE THERE FOR HOUSING AND PROCESSING REFUGEES.

9. COMMENT: IMMINENCE OF EXCOM AND LIKELIHOOD
THAT HIGH COMMISSIONER WILL MAKE HIS APEAL UNDER
AGENDA ITEM 3 ON FIRST DAY, LEND URGENCY TO PREPARATION
OF CONSIDERED POSITION AND RESPONSE ON THIS MAJOR ISSUE.
CATTO

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Message Attributes

Automatic Decaptioning: X
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Draft Date: 30 SEP 1976
Decaption Date: 01 JAN 1960
Decaption Note:
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Disposition Approved on Date:
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Margaret P. Grafeld
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